

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1026 - HB 851

March 4, 2013

SUMMARY OF BILL: Adds veterinary costs incurred during the life of the animal and any expenses related to disposal or burial of the animal to the costs associated with service animals that may be used to grade the offense of intentionally killing an animal.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$12,000/Incarceration*

Assumptions:

- The crime of intentional killing of an animal is theft of an animal and graded the same as theft of property. Under Tenn. Code Ann. § 39-14-105, theft is a Class E felony if the value of the property is between \$500 and \$1,000, and it is a Class D felony if the value of the property is between \$1,000 and \$10,000.
- According to statistics from the Department of Correction (DOC), there has been an average of .3 admissions per year for intentional killing of an animal (\$1,000 – \$10,000) and .2 admissions per year for intentional killing of an animal (\$500 - \$1,000).
- According to local law enforcement officials, veterinary services for service dogs range from \$500 - \$1,000 per year and veterinary services for horses are more than \$1,000 per year. Funeral or disposal costs range from \$250 for cremation to \$900 for burial. It is assumed that the bill would result in each offense being one classification higher.
- It is assumed that the bill would result in one admission every three years being sentenced as a Class C felony (\$10,000 – \$60,000) rather than a Class D felony (\$1,000 – \$10,000) because of the additional costs considered. Each offender will serve an additional 1.18 years (2.98 years, average time served for a Class C felony – 1.80 years, average time served for a Class D felony).
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- A recidivism discount of 33.75 percent applies, but due to the low number of admissions for intentional killing of an animal, the recidivism discount does not impact the incarceration cost for the proposed legislation.
- According to the DOC, the average operating cost per offender per day for calendar year 2013 is \$64.17.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based

on one offender every three years serving an additional 1.18 years (431 days) for a total annualized cost of \$9,219 [(\$64.17 x 431 days) / 3].

- It is assumed that the bill would result in one admission every five years being sentenced as a Class D felony (\$1,000 – \$10,000) rather than a Class E felony (\$500 – \$1,000) because of the additional costs considered. Each offender will serve an additional 0.59 years (1.80 years, average time served for a Class D felony – 1.21 years, average time served for a Class E felony).
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every five years serving an additional 0.59 years (215.50 days) for a total annualized cost of \$2,766 [(\$64.17 x 215.50 days) / 5].
- The total cost of incarceration is \$11,985 (\$9,219 + \$2,766).
- Because the bill will not increase the number of convictions, but rather the class of the felony, it is assumed that the District Attorneys General Conference, District Public Defenders Conference, and Administrative Office of the Courts can accommodate any impact to their caseloads within existing resources.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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